

made in developing and implementing their plans;

“(2) information from State and local reports regarding requirements in Federal law or regulation which have been identified by States and local educational agencies as impeding the system-wide reform schools under this title; and

“(3) a list by State of average per pupil expenditures reflecting the most recent data reported under section 8013(b) and reviewed under section 8013(d).

**“SEC. 8015. GENERAL PROVISIONS.**

“Nothing in this title shall—

“(1) supersede State law;

“(2) be construed to exempt a State or local educational agency that receives funds under this title from the requirements of subsections (a) or (b) of section 439 of the General Education Provisions Act (20 U.S.C. 1232h); or

“(3) be construed to authorize any department, agency, officer, or employee of the Federal Government to—

“(A) exercise any control over the curriculum, program of instruction, administration or personnel of any educational institution or school system; or

“(B) prescribe the use of a particular examination or standards.

**“SEC. 8016. DEFINITIONS.**

“For purposes of this title:

“(1) The term ‘assessment system’ means a system for measuring the abilities and academic achievement of students that is based upon a set of curricular frameworks and the expected outcomes embodied therein.

“(2) The term ‘curricular framework’ means a description, in a particular subject area, of the knowledge and skills children should acquire at each grade level.

“(3) The term ‘Pacific outlying area’ means American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau (until such time as the compact of Free Association is ratified).”.

It was decided in the { Yeas ..... 80  
negative ..... } Nays ..... 328

**¶101.9 [Roll No. 383]**

**AYES—80**

Allard	Franks (CT)	Miller (OH)
Allen	Gilchrest	Miller (WA)
Archer	Goss	Moorhead
Armey	Gradison	Nussle
Baker	Grandy	Oxley
Ballenger	Hammerschmidt	Packard
Bliley	Hancock	Paxon
Boehner	Hansen	Quillen
Broomfield	Hefley	Ravenel
Bunning	Henry	Ritter
Burton	Herger	Rohrabacher
Callahan	Holloway	Ros-Lehtinen
Campbell (CA)	Inhofe	Schulze
Chandler	Johnson (TX)	Shaw
Clinger	Kasich	Shuster
Coble	Kolbe	Smith (TX)
Combest	Kyl	Spence
Coughlin	Lagomarsino	Stump
Cox (CA)	Lewis (FL)	Sundquist
Crane	Lightfoot	Taylor (NC)
Dannemeyer	Lipinski	Thomas (CA)
DeLay	Livingston	Vander Jagt
Dickinson	Lowery (CA)	Vucanovich
Doolittle	McCrery	Wolf
Dornan (CA)	McEwen	Zeliff
Dreier	McMillan (NC)	Zimmer
Duncan	Michel	

**NOES—328**

Abercrombie	Atkins	Bevill
Alexander	AuCoin	Bilbray
Anderson	Bacchus	Bilirakis
Andrews (ME)	Barrett	Blackwell
Andrews (NJ)	Bateman	Boehlert
Andrews (TX)	Beilenson	Bonior
Annuizio	Bennett	Borski
Anthony	Bentley	Boucher
Applegate	Bereuter	Boxer
Aspin	Berman	Brewster

Brooks	James	Pickle
Browder	Jefferson	Porter
Brown	Jenkins	Poshard
Bruce	Johnson (CT)	Price
Bryant	Johnson (SD)	Pursell
Bustamante	Johnston	Rahall
Byron	Jones (GA)	Ramstad
Camp	Jones (NC)	Rangel
Cardin	Jontz	Ray
Carper	Kanjorski	Reed
Carr	Kaptur	Regula
Chapman	Kennedy	Rhodes
Clement	Kennelly	Richardson
Coleman (MO)	Kildee	Ridge
Coleman (TX)	Klecza	Riggs
Collins (IL)	Klug	Rinaldo
Collins (MI)	Kolter	Roberts
Condit	Kopetski	Roe
Conyers	Kostmayer	Roemer
Cooper	LaFalce	Rogers
Costello	Lancaster	Rose
Cox (IL)	Lantos	Rostenkowski
Coyne	LaRocco	Roth
Cramer	Laughlin	Roukema
Darden	Leach	Rowland
Davis	Lehman (CA)	Roybal
de la Garza	Lehman (FL)	Russo
DeLauro	Lent	Sabo
Dellums	Levin (MI)	Sanders
Derrick	Levine (CA)	Sangmeister
Dicks	Lewis (CA)	Santorum
Dingell	Lewis (GA)	Sarpalius
Dixon	Lloyd	Savage
Donnelly	Long	Sawyer
Dooley	Lowey (NY)	Saxton
Dorgan (ND)	Luken	Schaefer
Downey	Machtley	Scheuer
Durbin	Manton	Schiff
Dwyer	Marlenee	Schroeder
Early	Martin	Schumer
Eckart	Martinez	Sensenbrenner
Edwards (CA)	Matsui	Serrano
Edwards (OK)	Mavroules	Sharp
Edwards (TX)	Mazzoli	Shays
Emerson	McCandless	Sikorski
Engel	McCloskey	Sisisky
English	McCurdy	Skaggs
Erdreich	McDade	Skeen
Espy	McDermott	Skelton
Evans	McGrath	Slattery
Ewing	McHugh	Slaughter
Fascell	McMillen (MD)	Smith (FL)
Fawell	McNulty	Smith (IA)
Fazio	Meyers	Smith (NJ)
Feighan	Mfume	Smith (OR)
Fields	Miller (CA)	Snowe
Fish	Mineta	Solarz
Foglietta	Mink	Spratt
Ford (MI)	Moakley	Stallings
Ford (TN)	Molinari	Stark
Frank (MA)	Mollohan	Stearns
Frost	Montgomery	Stenholm
Gallegly	Moody	Stokes
Gallo	Moran	Studds
Gaydos	Morella	Swett
Gejdenson	Morrison	Swift
Gekas	Mrazek	Synar
Gephardt	Murphy	Tallon
Geren	Murtha	Tauzin
Gibbons	Myers	Taylor (MS)
Gillmor	Nagle	Thomas (GA)
Gilman	Natcher	Thomas (WY)
Glickman	Neal (MA)	Thornton
Gonzalez	Neal (NC)	Torres
Goodling	Nichols	Torrice
Gordon	Nowak	Trafficant
Green	Oakar	Unsoeld
Guarini	Oberstar	Upton
Gunderson	Obey	Valentine
Hall (OH)	Olin	Vento
Hall (TX)	Olver	Visclosky
Hamilton	Ortiz	Volkmer
Harris	Orton	Walsh
Hastert	Owens (NY)	Washington
Hayes (IL)	Owens (UT)	Waters
Hayes (LA)	Pallone	Waxman
Hefner	Panetta	Weldon
Hertel	Parker	Wheat
Hoagland	Pastor	Whitten
Hobson	Patterson	Williams
Hochbrueckner	Payne (NJ)	Wise
Horn	Payne (VA)	Wolpe
Horton	Pease	Wyden
Houghton	Pelosi	Wyllie
Hoyer	Penny	Yates
Hubbard	Perkins	Yatron
Huckaby	Peterson (FL)	Young (AK)
Hughes	Peterson (MN)	Young (FL)
Hutto	Petri	
Jacobs	Pickett	

**NOT VOTING—26**

Ackerman	Gingrich	Staggers
Barnard	Hatcher	Tanner
Barton	Hopkins	Towns
Campbell (CO)	Hunter	Traxler
Clay	Hyde	Walker
Cunningham	Ireland	Weber
DeFazio	Markey	Weiss
Dymally	McCollum	Wilson
Flake	Solomon	

So the amendment in the nature of a substitute was not agreed to.

After some further time,

**¶101.10 RECORDED VOTE**

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment in the nature of a substitute submitted by Mr. GOODLING:

Strike all after the enacting clause and insert the following:

**SECTION 1. PURPOSES.**

The purposes of this Act are—

(1) to reconfigure the National Education Goals Panel to provide for full congressional participation;

(2) to establish a process in support of voluntary national education standards and a national system of examinations;

(3) to authorize a grants program to States and localities to encourage dramatic, new approaches to education that are likely to provide students with an opportunity to achieve the national goals;

(4) to establish a system by which States, local educational agencies, and schools can utilize Federal, State, and local education program funds in a more flexible manner in order to improve delivery and effectiveness of programs;

(5) to authorize a program of grants to States and localities to establish New American Schools; and

(6) to authorize a program of student mentoring.

**SEC. 2. AUTHORIZATION OF THE NATIONAL EDUCATIONAL GOALS PANEL.**

The Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) is amended—

(1) by redesignating sections 8001 through 8005 as 13001 through 13005; and

(2) by inserting after title VII the following:

**“TITLE VIII—VOLUNTARY STANDARDS AND ASSESSMENT**

**“PART A—NATIONAL EDUCATION GOALS PANEL**

**“SECTION 8001. GOALS PANEL.**

“(a) ESTABLISHMENT.—There is established within the Department of Education a National Education Goals Panel (referred to in this part as the “Panel”).

“(b) COMPOSITION.—

“(1) IN GENERAL.—The Panel shall be composed of 14 members (referred to in this part as “members”), including—

“(A) two members appointed by the President;

“(B) eight Governors, three of whom shall be from the same political party as the President and five of whom shall be of the opposite political party to the President, appointed by the Chairperson or Vice Chairperson of the National Governors’ Association, with each appointing individuals of such respective political party, in consultation with each other and in accordance with paragraph (2); and

“(C) four Members of Congress appointed as follows:

“(i) The majority leader of the Senate shall appoint 1 individual from among the Members of the Senate.

“(ii) The minority leader of the Senate shall appoint 1 individual from among the Members of the Senate.

“(iii) The majority leader of the House of Representatives shall appoint 1 individual from among the Members of the House of Representatives.

“(iv) The minority leader of the House of Representatives shall appoint 1 individual from among the Members of the House of Representatives.

“(2) SPECIAL APPOINTMENT RULES.—(A) The members appointed pursuant to paragraph (1)(B) shall be appointed as follows:

“(i) If the Chairperson of the National Governors' Association is from the same political party as the President, the Chairperson shall appoint 3 individuals pursuant to such paragraph and the Vice Chairperson shall appoint 5 persons pursuant to such paragraph.

“(ii) If the Chairperson of the National Governors' Association is from the opposite political party as the President, the Chairperson shall appoint 5 persons pursuant to such paragraph and the Vice Chairperson shall appoint 3 persons pursuant to such paragraph.

“(B) If the National Governors' Association has appointed a panel that meets the requirements of this subsection prior to the date of enactment of this Act, the members serving on such panel shall be deemed to be in compliance with the provisions of this subsection and shall not be required to be reappointed pursuant to this subsection.

“(c) TERMS.—The terms of service of members shall be as follows:

“(1) EXECUTIVE BRANCH.—Members appointed under paragraph (1)(A) shall serve at the pleasure of the President.

“(2) GOVERNORS.—Members appointed under paragraph (1)(B) shall serve a two-year term, except that the initial appointments under such paragraph shall be made to ensure staggered terms with one-half of such member's terms concluding every two years.

“(3) MEMBERS OF CONGRESS.—Members appointed under paragraph (1)(C) shall serve a term of four years.

“(d) INITIATION.—The Panel may begin to carry out the duties of the Panel under this part when seven members of the Panel have been appointed.

“(e) DATE OF APPOINTMENT.—The initial members shall be appointed not later than 60 days after the date of enactment of this Act.

“(f) RETENTION.—In order to retain an appointment to the Panel, a member must attend at least two-thirds of the scheduled meetings of the Panel in any given year.

“(g) VACANCIES.—A vacancy on the Panel shall not affect the powers of the Panel, but shall be filled in the same manner as the original appointment.

“(h) TRAVEL.—Each member shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

“(i) CHAIRPERSON SELECTION.—

“(1) INITIAL SELECTION.—The members appointed under subsection (b)(2) shall select a Chairperson from among such members, except that after the expiration of the term or termination of the tenure of the member initially selected to serve as Chairperson, whichever is earlier, a majority of the members of the Council shall select a Chairperson from among the members.

“(2) CONTINGENT SELECTION.—If no individual described in paragraph (1) assumes the position of Chairperson of the Council 60 days after the date of the enactment of this Act, a majority of the members shall select a Chairperson from among the members.

#### “SEC. 8002. FUNCTIONS.

“(a) FUNCTIONS.—

“(1) IN GENERAL.—The Panel shall—

“(A) propose the indicators to be used to measure the National Education Goals and reporting progress in achieving such goals, the baselines and benchmarks against which progress may be evaluated, and the format for an annual report to the Nation;

“(B) select interim and final measures and appropriate measurement tools to be developed as necessary in each goal area;

“(C) report on the Federal actions to fulfill responsibilities to education, including funding the Federal financial role, providing more flexibility and controlling mandates that limit the States' ability to fund education;

“(D) issue a report to the President, the Congress, the Governors, and the Nation annually on progress toward the National Education Goals;

“(E) assure, through requirements for State reports, that student performance is reported in the context of other relevant information about student, school and system performance;

“(F) identify gaps in existing educational data, make recommendations for improvements in the methods and procedures for assessments that would be appropriate to assessing progress toward the National Education Goals, propose changes in national and international measurement systems as appropriate and make recommendations to the President, the Congress, and the Governors for needed improvements;

“(G) appoint members to the National Education Standards and Assessments Council; and

“(H) in accordance with paragraph (2), issue certification of content and student performance standards and the criteria for world-class assessments after submission of such notification of approval by the National Education Standards and Assessments Council.

“(2) SPECIAL RULE.—In the event that the Panel denies certification to all or part of a certification of the National Education Standards and Assessments Council, all or part of a certification shall be returned to such Council with detailed written explanations for the denial.

“(b) PERFORMANCE OF FUNCTIONS.—In carrying out its responsibilities, the Panel shall operate on the principle of consensus.

“(c) DATA COLLECTION.—The Panel shall make arrangements with any appropriate entity to generate or collect such data as may be necessary to appropriately assess progress toward the National Education Goals.

#### “SEC. 8003. ANNUAL REPORT CARD.

“(a) IN GENERAL.—The Panel shall prepare and submit to the President, the appropriate committees of Congress, and the Governor of each State a national report card, that—

“(1) sets forth an analysis of the progress of the United States toward achieving the National Education Goals; and

“(2) may, as determined necessary by the Panel based on the findings of the Panel and an analysis of the views and comments of all interested parties—

“(A) identify continuing gaps in existing educational data; and

“(B) make recommendations for improvement in the methods and procedures of assessing educational attainment and strengthening the national educational assessment and information system of the Department of Education or any other appropriate Federal Government entity.

“(b) CONTINUATION.—The Panel shall issue a national report card on an annual basis for the duration of the existence of the Panel.

“(c) FORMAT.—National Report Cards shall be presented in a form that is understandable to parents and the general public.

#### “SEC. 8004. POWERS OF THE PANEL.

“(a) HEARINGS.—

“(1) IN GENERAL.—The Panel shall, for the purpose of carrying out this part, conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Panel considers appropriate.

“(2) PUBLIC HEARINGS.—In carrying out this part, the Panel shall conduct public hearings in different geographic areas of the country, both urban and rural, to receive the reports, views, and analyses of a broad spectrum of experts and the public regarding the Panel's functions described in section 8002(a).

“(b) INFORMATION.—The Panel may secure directly from any department or agency of the United States, information necessary to enable the Panel to carry out this title. Upon request of the Chairperson of the Panel, the head of a department or agency shall furnish such information to the Panel to the extent permitted by law.

“(c) GIFTS.—The Panel may accept, use, and dispose of gifts or donations of services or property.

“(d) POSTAL SERVICES.—The Panel may use the United States mail in the same manner and under the same conditions as other departments and agencies of the United States.

“(e) ADMINISTRATIVE AND SUPPORTIVE SERVICES.—The Secretary of Education shall provide to the Panel, on a reimbursable basis, administrative support services as the Panel may request.

#### “SEC. 8005. ADMINISTRATIVE PROVISIONS.

“(a) MEETINGS.—The Panel shall meet on a regular basis, as necessary, at the call of the Chairperson of the Panel or a majority of its members.

“(b) QUORUM.—A majority of the members shall constitute a quorum for the transaction of business.

“(c) VOTING.—No individual may vote or exercise any of the powers of a member by proxy.

#### “SEC. 8006. DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.

“(a) DIRECTOR.—The Chairperson of the Panel shall, without regard to the provisions of title 5, United States Code, relating to the appointment and compensation of officers or employees of the United States, appoint a Director to be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.

“(b) APPOINTMENT AND PAY OF STAFF.—The Chairperson of the Panel may appoint personnel as the Chairperson considers appropriate without regard to the provisions of title 5, United States Code, governing appointments to the competitive service. The staff of the Panel may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates. The rate of pay of the staff of the Panel shall not exceed the rate of basic pay payable for GS15 of the General Schedule.

“(c) EXPERTS AND CONSULTANTS.—The Panel may procure temporary and intermittent services under section 3019(b) of title 5, United States Code.

“(d) STAFF OF FEDERAL AGENCIES.—Upon the request of the Panel, the head of any department or agency of the United States is authorized to detail, on a reimbursable basis, any of the personnel of that agency to the Panel to assist the Panel in its duties under this title.

#### “SEC. 8007. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated \$2,000,000 for fiscal year 1992 and such sums as may be necessary for each of the fiscal years 1993 through 2001 to carry out this part.

**PART B—VOLUNTARY NATIONAL EDUCATION STANDARDS AND ASSESSMENTS**  
**"SEC. 8101. NATIONAL EDUCATION STANDARDS AND ASSESSMENTS COUNCIL.**

"(a) ESTABLISHMENT.—There is established within the Department of Education a National Education Standards and Assessments Council (referred to in this part as the "Council").

"(b) APPOINTMENT AND COMPOSITION.—

"(1) APPOINTMENT.—The Council shall be composed of 19 members (referred to in this part as "members") appointed by the National Education Goals Panel described in section 8001.

"(2) COMPOSITION.—The Council shall be composed of—

"(A) 9 educators who have demonstrated leadership in educational innovation, including at least 1 person with expertise in each of educational measurement, assessment, subject matter scholarship, and curriculum design;

"(B) 5 State and local public officials who possess strong education backgrounds and have displayed a commitment to improving education;

"(C) 5 members of the general public who have demonstrated a commitment to improving education and bring additional perspectives from the business, foundation, and advocacy communities within the private sector.

"(c) QUALIFICATIONS.—

"(1) IN GENERAL.—Members shall—

"(A) be appointed to the Council on the basis of widely recognized experience in, knowledge of, commitment to, and a demonstrated record of service to, education and to achieving education excellence at the Federal, State or local level; and

"(B) include curriculum design specialists, subject matter scholars, and testing or measurement experts (experts in educational evaluation, educational measurement, educational assessment, educational psychology, or psychometrics).

"(2) NOMINATIONS.—Members under this subsection shall be appointed from among qualified individuals nominated by the public and other groups representative of public officials, educators, and individuals described in subsection (c)(1).

"(d) TERMS.—

"(1) IN GENERAL.—The members shall be appointed for 3-year terms, with no member serving more than 2 consecutive terms.

"(2) CONFLICT OF INTEREST.—(A) No member of the Council may concurrently serve as a member of the Panel or on any other Department of Education advisory board or standing panel.

"(B)(i) No waiver shall be granted to members of the Council pursuant to section 208(b)(3) of title 18, United States Code, regarding conflict of interest.

"(ii) Any person who serves on the Council shall report any subsequent proposals for Federal, State, or local funding related to the standards and assessments described in subsection (e) to the National Goals Panel, the appropriate authorizing committees of Congress, and to the Department of Education.

"(3) DATE OF APPOINTMENT.—The initial members shall be appointed by the Panel, not later than 120 days after the date of enactment of this Act.

"(4) RETENTION.—In order to retain an appointment to the Council, a member must attend at least two-thirds of the scheduled meetings of the Council in any given year.

"(5) OFFICER SELECTION.—The members appointed under subsection (b)(2) shall select officers of the Council from among the members of the Council. The officers of the Council shall serve for 1-year terms.

"(6) VACANCIES.—A vacancy on the Council shall not affect the powers of the Council,

but shall be filled in the same manner as the original appointment.

"(7) TRAVEL.—Each member of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

"(e) FUNCTIONS OF THE COUNCIL.—

"(1) STANDARDS.—The Council shall, with regards to standards—

"(A) coordinate the effort to establish voluntary national education content and student performance standards;

"(B) develop criteria for what constitutes world-class content and student performance standards and establish guidelines for standard setting and development to ensure consensus building and broad participation in the process, including those most knowledgeable about the discipline; and

"(C) issue approval of content and student performance standards as world-class based on the criteria and guidelines described in subparagraph (B) and transmit such approved standards to the Panel for the Panel's certification.

"(2) ASSESSMENTS.—The Council shall, with regards to assessments—

"(A) be a coordinating body to encourage a voluntary system of assessments for individual students consistent with the voluntary national standards;

"(B) establish guidelines for the development and use of assessments to ensure that assessments are valid, reliable, and fair;

"(C) develop criteria for assessments, and the use of such assessments, to ensure that the assessments measure the world class standards and meet the guidelines described in subparagraph (B);

"(D) establish procedures and criteria to determine whether assessments are comparable to each other without sacrificing the validity, reliability, and fairness of the assessments;

"(E) transmit such criteria to the Panel to review for certification.

"(3) GUIDELINES.—The Council shall establish guidelines for the use and design of standards and assessments, and of data derived from such assessments, so that—

"(A) all students are provided with a rigorous and challenging curriculum designed to meet or exceed the standards;

"(B) no student is placed in a curriculum track or is otherwise labeled on the basis of such student's performance on an assessment certified pursuant to this section; and

"(C) student performance is reported in the context of other relevant information about aggregate student, school, and system performance.

"(4) REEXAMINATION.—The Council shall reexamine the criteria for certification at least once every 3 years and shall reexamine any certified national standards at least once every 3 years to ascertain whether such standards continue to meet the criteria described in paragraphs (1), (2), and (3).

"(f) PERFORMANCE OF FUNCTIONS.—In carrying out its responsibilities, the Council shall work with Federal and non-Federal agencies and organizations which are conducting research, studies, or demonstration projects to determine world-class education standards and assessments based on such standards.

"(g) PROCEDURES.—

"(1) PUBLICATION.—The Council shall publish in the Federal Register—

"(A) proposed criteria for determining what are world-class content and student performance standards;

"(B) proposed guidelines for standards setting;

"(C) proposed procedures and criteria for certifying content standards as world class; and

"(D) proposed procedures and criteria for assessments that measure such world-class standards.

"(2) FINAL REGULATIONS.—Final regulations, reflecting public comment, for the proposals developed in accordance with paragraph (1) shall be published in the Federal Register prior to the implementation of such regulations.

"(h) DATA COLLECTION.—The Council shall make arrangements with any appropriate entity to generate or collect such data as may be necessary to carry out the Council's functions.

**"SEC. 8102. ANNUAL REPORTS.**

"(a) IN GENERAL.—Not later than 1 year after the date that the Council concludes its first meeting of members and in each succeeding year, the Council shall prepare and submit to the President, the appropriate committees of Congress, the Secretary, and the Governor of each State a report regarding its findings. Such report shall—

"(1) analyze the progress and obstacles, if any, toward the development and certification of world-class content and student performance standards;

"(2) analyze the progress and obstacles, if any, toward the development and certification of any criteria for assessments that reflect the world-class standards; and

"(3) analyze the progress and obstacles, if any, to the adoption of certified content and student performance standards by State and local educational agencies.

"(b) SPECIAL RULE.—In carrying out paragraph (3) of subsection (a), the Council, through the National Center for Education Statistics, shall collect information on the implementation by State and local educational agencies of certified content standards, including—

"(1) adoption of curricula frameworks, including instructional materials, assessments and teacher training that incorporates or reflects world-class content standards;

"(2) availability of school resources, including instructional materials and technology, necessary to meet world-class standards;

"(3) staff capacity;

"(4) school governance systems; and

"(5) barriers to implementation of world-class standards.

**"SEC. 8103. POWERS OF THE COUNCIL.**

"(a) REGIONAL MEETINGS.—(1) The Council shall convene regional meetings to obtain public involvement in the development of proposed regulations implementing this section. Such meetings shall include individuals and representatives of the groups involved in content and student performance standards setting and assessments, including educators, administrators, students, parents, curriculum and assessment experts, and organizations which have demonstrated experience in these areas.

"(2) The meetings described in paragraph (1) shall provide for a comprehensive discussion and exchange of information regarding the implementation of this section and the Council shall take into account the information received in such meetings in developing regulations.

"(3) The Council shall solicit public comment on any proposed guidelines and criteria and on standards submitted for approval and certification.

"(b) INFORMATION.—The Council may secure directly from any department or agency of the United States information necessary to enable the Council to carry out this part. Upon request of the Chairperson of the Council, the head of a department or agency shall furnish such information to the Council to the extent permitted by law.

"(c) GIFTS.—The Council may accept, use, and dispose of gifts or donations of services or property.

“(d) POSTAL SERVICES.—The Council may use the United States mail in the same manner and under the same conditions as other departments and agencies of the United States.

“(e) ADMINISTRATIVE AND SUPPORTIVE SERVICES.—The Secretary shall provide to the Council, on a reimbursable basis, administrative support services as the Council may request.

**“SEC. 8104. ADMINISTRATIVE PROVISIONS.**

“(a) MEETINGS.—The Council shall meet on a regular basis, as necessary, at the call of the Chairperson of the Council or a majority of its members.

“(b) QUORUM.—A majority of the members shall constitute a quorum for the transaction of business.

“(c) VOTING.—The Council shall take all action of the Council by a two-thirds majority vote of the total membership of the Council, assuring the right of the minority to issue written views. No individual may vote or exercise any of the powers of a member by proxy.

**“SEC. 8105. DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.**

“(a) DIRECTOR.—The Council shall, without regard to the provisions of title 5, United States Code, relating to the appointment and compensation of officers or employees of the United States, appoint a Director, who by virtue of education, training, and experience, is eminently qualified to assist the Council in administering the functions described in section 8101(e) of this part to be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.

“(b) APPOINTMENT AND PAY OF STAFF.—The Council may appoint personnel who by virtue of education, training, and experience are eminently qualified to assist the Council in administering the functions described in section 8101(e). Such appointments can be made without regard to the provisions of title 5, United States Code, governing appointments to the competitive service and the staff of the Council may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates. The rate of pay of the staff of the Council shall not exceed the rate of basic pay payable for GS15 of the General Schedule.

“(c) EXPERTS AND CONSULTANTS.—The Council may procure temporary and intermittent services under section 3019(b) of title 5, United States Code, if the individual performing such services, by virtue of education, training, and experience, is eminently qualified to assist the Council in administering the functions described in section 8101(e).

“(d) STAFF OF FEDERAL AGENCIES.—Upon the request of the Council, the head of any department or agency of the United States is authorized to detail, on a reimbursable basis, any of the personnel of that department or agency to the Council to assist the Council in its duties under this part.

“(e) CONFLICT OF INTEREST.—No director, staff, expert, or consultant may serve the Council if such person directly or indirectly has any financial interest in the development of tests or assessments related to the standards described in section 8101(e). Any person who served the Council in such capacity shall submit any subsequent proposals for Federal, State, or local funding related to the standards or assessments described in section 8101(e) to the National Goals Panel, the Congress, and to the Department of Education.

**“SEC. 8106. EVALUATION.**

“The National Academy of Sciences shall conduct an evaluation of the work of the Council, including—

“(1) an analysis of the technical expertise of the panel and its use of outside technical assistance;

“(2) an analysis of the process of establishing guidelines and criteria for the development and certification of standards and such guidelines and criteria;

“(3) a review of standards that are certified;

“(4) an evaluation of the process for establishing criteria for assessments of world-class standards and such criteria; and

“(5) an evaluation of the research and development work being carried out by the Department of Education, in the areas of education standards, curriculum, and assessment.

**“SEC. 8107. AUTHORIZATION OF APPROPRIATIONS.**

“There are authorized to be appropriated to the Council \$2,000,000 for each of the fiscal years 1993, and 1994 and such sums as may be necessary for fiscal years 1995 through 1997 to carry out this part.

**“TITLE IX.—NEIGHBORHOOD SCHOOLS IMPROVEMENT**

**“SEC. 9001. SHORT TITLE.**

“This title may be cited as the “Neighborhood Schools Improvement Act”.

**“SEC. 9002. CONGRESSIONAL FINDINGS.**

“The Congress finds that—

“(1) all students can learn and must realize their potential if the United States is to prosper;

“(2) the reforms in education of the last 15 years have achieved good results, but these efforts often have been limited to a few schools or to a single part of the educational system;

“(3) additional pilot projects will have the same limited effect as previous reforms and isolated changes in policy will most likely have minimal impact;

“(4) strategies must be developed by States and communities to support the revitalization of all local schools by fundamentally changing the entire system of education through comprehensive, coherent, and coordinated improvement;

“(5) parents, teachers and other local educators, and community leaders must be involved in developing system-wide reform strategies that reflect the needs of their individual communities;

“(6) States and local educational agencies, working together, must immediately set about developing and implementing such system-wide reform strategies if the Nation is to educate all children to meet their full potential and achieve national goals;

“(7) increasing funding for existing Federal education programs at levels that will enable them to fulfill their mission is a critical part of assisting States and local educational agencies in their school improvement efforts; and

“(8) additional Federal funds should be targeted to support State and local initiatives and to leverage State and local resources for designing and implementing system-wide reform plans.

**“SEC. 9003. PURPOSE.**

“The purpose of this title is to raise the quality of education for all students by supporting a 10-year broad based public effort to promote coherent and coordinated changes in the system of education throughout the Nation at the State and local level without jeopardizing funding for existing Federal education programs.

**“SEC. 9004. PROGRAM AUTHORIZED.**

“The Secretary is authorized, in accordance with the provisions of this title, to make grants to State educational agencies to enable States and local educational agencies to reform and improve the quality of education throughout the Nation. Such grants shall be used to—

“(1) develop innovative educational reform plans, which include State achievement goals, a means for developing or adopting high quality, challenging curricular frameworks and coordinated curricular materials, professional development strategies, and assessment instruments; and

“(2) implement reforms and plans to improve the education system at the State and local levels.

**“SEC. 9005. APPLICATION.**

“(a) IN GENERAL.—If a State desires to receive assistance under this title, the State educational agency shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may reasonably require. Such application shall cover a 5-year period.

“(b) CONSIDERATION OF APPLICATIONS.—Each such application shall—

“(1) contain satisfactory evidence that the State educational agency has or will have authority, by legislation if necessary, to implement the plan required under section 9006;

“(2) provide an assurance that the State has a strategy for ensuring broad participation in the planning process, including parents, students, teachers, principals, superintendents, secondary and postsecondary vocational education teachers and administrators, local school board members, representatives of the employment and training network, the deans of colleges of education, representatives of community-based organizations, testing and curriculum experts, the director of the State office responsible for teacher certification, and the director of the State human services agency, to establish the goals and to refine them in the future, as well as participate in the development of all other components of the plan;

“(3) provide an assurance that the State will notify the public (including individuals with limited English proficiency), through print and electronic media and the local educational agency through actual notice—

“(A) that the State has made application for funds under this title;

“(B) of the purposes for which the funds will be used; and

“(C) that the State is developing a plan under section 9006;

“(4) provide an assurance that all students will have equal access to the curricular frameworks, high quality curricular materials, and well-qualified teachers;

“(5) describe actions taken and resources identified or committed to meet the requirements of this title;

“(6) provide an assurance that the applicant will prepare and submit to the Secretary, annual evaluations of and reports concerning the State program; and

“(7) provide an assurance that the State will carry out the provisions of section 9006.

“(c) APPROVAL.—The Secretary shall approve an application and any amendment to the application if the application or the amendment to such application meets the requirements of this section and is of sufficient quality to meet the objectives of this title. The Secretary shall not finally disapprove an application or an amendment to such application except after giving reasonable notice, technical assistance, and an opportunity for a hearing.

“(d) REAPPLICATION.—(1) A State educational agency may apply for assistance for a second 5-year period and such application shall be approved by the Secretary if the State—

“(A) has met all of its reporting requirements; and

“(B) demonstrates that it has made reasonable progress in carrying out its plan.

“(2) The Secretary shall not finally disapprove an application or an amendment to

such application except after giving reasonable notice, technical assistance, and an opportunity for a hearing.

**"SEC. 9006. DEVELOPMENT AND APPROVAL OF STATE PLAN.**

"(a) ESTABLISHMENT OF PANEL.—Each State program assisted under this title shall establish a panel to develop a statewide reform plan. Such panel shall consist of—

"(1) the chief executive of the State (or designee);

"(2) the presiding officers and the minority leaders of the State legislature (or designees);

"(3) the chief State school officer;

"(4) the head of the office that coordinates higher education programs in the State or, if there is no such office, the head of the office designated under section 2008 of the Dwight D. Eisenhower Mathematics and Science Education Act (20 U.S.C. 2988) (or designee);

"(5) an individual nominated by representatives of local educational agencies that comprise between 5 to 10 percent of the local educational agencies in the State with the lowest average per pupil expenditures, except in the case of a State with a single local educational agency; and

"(6) individuals nominated by State organizations representing each of the following:

"(A) Teachers.

"(B) School administrators.

"(C) Local school boards.

"(D) Parents.

"(E) Businesses.

"(F) State board of education.

"(G) Students.

"(b) ADDITIONAL MEMBERS.—(1) The first meeting of such panel shall be convened by the chief executive of the State and the chief State school officer, where permitted by law. At such meeting, the panel members designated and nominated in subsection (a) shall select additional panel members, including the chairpersons of the State legislative committees with jurisdiction over education, individuals reflecting the ethnic and racial diversity of the general population of the State, and (except in the case of a State with a single local educational agency) an individual nominated by representatives of the 5 local educational agencies with the highest number of students eligible for services under part A of chapter 1 of title I of this Act.

"(2) The membership of the panel shall be geographically representative of all areas of the State and shall not exceed 25 in number.

"(3) Following the selection of additional members, the chief executive of the State and the chief State school officer, where permitted by law, shall convene a meeting of the full panel to establish procedures regarding the operation of subsequent meetings, including the designation of a panel chairperson, consistent with applicable State law.

"(c) DEVELOPMENT OF STATE PLAN.—(1) The panel shall develop a plan that—

"(A) establishes State goals to maximize achievement for all children in conjunction with national educational goals;

"(B) establishes curricular frameworks in specific subject matter areas that incorporate the goals established under subparagraph (A);

"(C) provides for the development or adoption of instructional materials to assist the implementation of the curricular frameworks;

"(D) allocates resources to implement such a system-wide reform plan;

"(E) provides for the establishment or adoption of a valid, reliable, and fair assessment system based upon the curricular frameworks that is capable of accurately measuring the skills and knowledge required to meet State goals;

"(F) provides for professional development strategies necessary for achieving the State goals;

"(G) establishes a process for reviewing Federal, State, and local laws and regulations and for recommending changes in such laws and regulations to further state-wide reform;

"(H) provides a process for selecting local educational agencies for participation in local system-wide reform efforts;

"(I) provides for the development of objective criteria and measures against which the success of local plans can be evaluated;

"(J) provides for the ongoing evaluation of the effectiveness of the State plan in closing the gap between high and low achieving students to be assessed using achievement and other measures such as attendance, grade retention, and dropout rates;

"(K) provides for the availability of curricular frameworks, curricular materials, and professional development in a manner ensuring equal access by all local educational agencies in the State;

"(L) provides for a thorough review of the State's school finance program, focusing on the adequacy of, and disparities in, the financial resources available to each local educational agency, and how such disparity affects the ability of the State educational agency and local educational agencies to develop and implement reform activities consistent with this title;

"(M) describes the steps the State educational agency shall take to ensure that successful programs and practices supported by subgrants awarded to local educational agencies under this title shall be disseminated to other local educational agencies in the State;

"(N) provides for the development of an adequate research, training, and evaluation capacity within the State to further the purposes of this title; and

"(O) describes methods of coordinating health and social services with education through State interagency cooperation and agreements.

"(2) In developing the plan, the panel shall—

"(A) emphasize outcome measures rather than prescribing how the State and local educational agencies should achieve such outcomes;

"(B) review recent innovations by other States and by national professional subject matter organizations in educational goals, curricula, and assessment nationally;

"(C) review existing Federal education programs and how they can contribute to the State plan; and

"(D) ensure broad-based participation through regular notice and dissemination of information to the public (including individuals with limited English proficiency) using print and electronic media.

"(3) Following the development of the plan, the panel shall seek public comment by—

"(A) publishing the plan with a comment period of at least 60 days, or

"(B) notifying the public through electronic and print media and conducting regional hearings.

"After providing the public with an opportunity to comment on the plan, the panel shall consider the public comments and make appropriate changes.

"(4) The plan shall be submitted to the State for review and approval by the State educational agency, except that any changes to such plan shall be made with the concurrence of the panel. Prior to implementing the plan, the State educational agency shall submit such plan to the Secretary for approval. In the event that the State has previously accomplished any of the reform ac-

tivities required under this title in a specific subject area or set of grade levels, the State is not required to include them in the plan but shall include a request for a waiver, including a description of such accomplishments.

"(5)(A) The Secretary shall approve a State's plan if such plan—

"(i) meets the requirements of this section;

"(ii) is of sufficient quality to meet the objectives of this title; and

"(iii) provides evidence that the State has, or will have, the resources necessary to carry it out.

"(B) The Secretary shall not finally disapprove a plan or an amendment to such plan except after giving reasonable notice, technical assistance, and an opportunity for a hearing.

"(d) REVIEW OF STATE PLAN.—The panel and the State educational agency shall review on an ongoing basis, the implementation of the State plan for the period during which the State receives funding under this title. The results of such review shall be prepared in writing by the panel and included by the State in its annual report to the Secretary under section 9013(a).

**"SEC. 9007. STATE USES OF FUNDS.**

"(a) USES OF FUNDS.—Funds allotted by the Secretary under section 9011(a) and State and private funds contributed to make up the total cost of a State program as provided in section 9011(b) shall be used by a State with an approved application for the following purposes—

"(1) development and implementation of the State plan, including the establishment of State goals, curricular frameworks, and assessment systems;

"(2) activities of the panel (including the travel expenses of the members of such panel);

"(3) subgrants to local educational agencies;

"(4) technical assistance (including dissemination of information) to local educational agencies to assist in developing and carrying out their plans; and

"(5) evaluation, reporting, and data collection.

"(b) LOCAL EDUCATIONAL AGENCIES.—In the first year that a State receives an allotment under this title, the State educational agency may make subgrants for the purpose of developing local plans as provided in section 9008 consistent with section 9006(c)(1)(H). In the second year, and in each succeeding year, from not less than 75 percent of the total cost of a State's program, the State educational agency shall make subgrants to local educational agencies which shall include—

"(1) at least one local educational agency in each congressional district shall receive a subgrant; and

"(2) the local educational agency with the greatest number of disadvantaged children in the State shall receive a subgrant.

"(c) SPECIAL PROVISION.—Funds available under section 9011 shall be used to carry out the plan in a manner which ensures that all children, especially those identified through the assessment process (using achievement and other measures) as not achieving satisfactorily, are afforded ample opportunity to reach local, State, and national goals.

**"SEC. 9008. DEVELOPMENT AND APPROVAL OF LOCAL PLANS.**

"(a) LOCAL COMMITTEE.—(1) A local educational agency which desires to receive a subgrant under this section shall establish a committee comprised of—

"(A) the chief elected officer of the unit of general purpose local government with boundaries which are most closely aligned with the geographic boundaries of the local educational agency;

“(B) the superintendent of the local educational agency;

“(C) a representative nominated by the local school board;

“(D) a representative nominated by a local teacher association;

“(E) a representative nominated by the largest business association with business members having an interest in educational improvement that operate in a geographic area that is most closely aligned with the local educational agency;

“(F) a representative nominated by the parents of children served by part A of chapter I of title I of this Act; and

“(G) the elected head of a district-wide student organization, if one exists.

“(2)(A) The first meeting of such committee shall be convened by the superintendent to enable the committee members designated and selected in paragraph (1) to select additional members including—

“(i) parents of students in elementary, middle, and secondary schools;

“(ii) representatives of community-based organizations;

“(iii) members of the general public with a strong interest in education;

“(iv) principals;

“(v) teachers;

“(vi) school counselors, psychologists, and social workers;

“(vii) curriculum, testing, and evaluation supervisors; and

“(viii) a representative of a local higher education institution.

“(B) The total number of committee members may not exceed 25.

“(C) If a comparable local committee is in place which includes more than 25 members and includes or will include representatives required by this title, the membership limit in paragraph (B) will be waived.

“(3) Following the selection of the additional members, the superintendent shall convene a meeting of the full committee to establish procedures regarding the operation of subsequent meetings, including the designation of a committee chairperson, consistent with applicable State and local law.

“(4) Each meeting of such committee shall be open to the public.

“(5) The committee shall develop the local plan described in subsection (b).

“(b) LOCAL PLAN.—(1) As described in the State reform plan, and consistent with the recommendations of the panel established under section 9006, the State shall make subgrants to local educational agencies. Each subgrant shall be of a sufficient amount to develop or implement a locally developed plan which—

“(A) is formally approved by the local educational agency;

“(B) describes a process to ensure broad-based community participation in the development of the local plan;

“(C) provides assurance that the local educational agency shall provide for an ongoing evaluation of the effectiveness of the plan in meeting State and local goals, and that such agency will annually review the local plan;

“(D) proposes district-wide reform which includes—

“(i) the setting of local goals;

“(ii) the development of adoption of curricular and instructional materials which reflect State goals, State curricular frameworks and local goals;

“(iii) the development or adoption of an assessment system which is curriculum based and includes achievement and other indicators that validly, fairly, and reliably measure progress of all students (including students from non-English language backgrounds and students with disabilities) toward meeting State and local goals;

“(iv) the provision of teacher and administrator training; and

“(v) a review and restructuring, if necessary, of the administrative and staffing structure of the local educational agency and individual schools within such agency.

“(E) describes how parents are involved in the development, operation, and evaluation of programs and activities assisted under this title;

“(F) provides for the availability of curricular frameworks, curricular materials, and professional development in a non-discriminatory manner;

“(G) provides for the ongoing evaluation of the effectiveness of the local plan in closing the gap between high and low achieving students using achievement and other measures such as attendance, grade retention, and dropout rates;

“(H) reviews existing Federal education programs, including early childhood education programs, and how they contribute to the local plan;

“(I) based on the recommendations of teachers and principals, identifies and describes Federal, State, and local laws and regulations that may impede the implementation of the plan, if any;

“(J) describes the process that will be used to ensure that the funds received will be used to the maximum extent at the local school level; and

“(K) describes the steps the local educational agency shall take to ensure that successful practices supported by assistance provided to schools under this title shall be disseminated to other schools in the local educational agency.

“(2) In making subgrants to local educational agencies under this subsection, the State shall give priority consideration to local plans which are broadly supported within their communities as evidenced by—

“(A) the comments of the local committee required under subsection (e)(2);

“(B) the record of the hearings conducted by local educational agencies under subsection (d)(2); and

“(C) letters and resolutions submitted by local groups and organizations.

“(c) ASSISTANCE FOR LOCAL PLAN DEVELOPMENT.—The State shall, upon the request of the committee of a local educational agency, provide technical assistance in the development of a local plan which—

“(1)(A) is to be submitted by a local educational agency with a large number or percentage of educationally disadvantaged students or students who have dropped out of school; or

“(B) is to be submitted by a local educational agency which demonstrates need for such assistance;

“(2) promotes comprehensive, district-wide reform; and

“(3) has the support of parents, teachers, businesses, and community-based service organizations.

“(d) SUBMISSION OF LOCAL PLAN.—(1) The committee shall submit the plan to the local educational agency for review.

“(2) Prior to consideration of the plan for approval, the local educational agency, with proper public notice, shall conduct public meetings to:

“(A) receive an explanation of the plan by the local committee;

“(B) review and discuss the plan, including—

“(i) whether it meets the requirements of this section;

“(ii) the revenue, resource, and budget implications of the plan for the local educational agency; and

“(iii) the effect of the plan on staffing, organization, personnel policies, and collective bargaining agreements of the local educational agency;

“(C) discuss possible modifications to the plan; and

“(D) solicit the views of other interested persons, including the superintendent, principals, teachers, other officials of the local educational agency, parents, and students.

“(e) CONSIDERATION OF LOCAL PLAN.—

“(1) After the meetings required under subsection (d), the local educational agency, with proper notice, shall convene a public meeting to consider the local plan and shall—

“(A) approve the plan;

“(B) disapprove the plan; or

“(C) return the plan to the committee for further development.

“(2) A local educational agency which approves a local plan shall include the written comments of the local committee prior to submitting such plan to the State for consideration for a subgrant.

“(3) Additional development, submission, and consideration of the local plan shall be consistent with the provisions of this section.

“(f) ADDITIONAL SUBGRANT.—A local educational agency may not receive an additional subgrant in a succeeding year unless such local educational agency demonstrates reasonable progress in the implementation of its local plan and, after its third year of funding under this title, provides evidence of improved student achievement.

“(g) REVIEW OF LOCAL PLAN.—(1) The committee and the local educational agency shall review, on an ongoing basis, the progress of the local educational agency in implementing the local plan for the period during which such agency receives funding under this title.

“(2) The committee shall annually submit a written progress report to the local educational agency, the State panel established under section 9006, and the State educational agency. The local educational agency may submit a separate report, including comments on the report submitted by the committee.

# “SEC. 9009. LOCAL USES OF FUNDS.

“(a) DEVELOPMENT OF PLAN.—A local educational agency which receives a subgrant under this title shall use the funds for the purpose of district-wide reform, consistent with the State and local plans. Activities authorized under this section are—

“(1) the development and implementation of the local plan;

“(2) New American Schools which reflect the best available knowledge regarding teaching and learning for all students in public schools, which use the highest quality instructional materials and technologies, and which are designed to meet national, State, and local educational goals as well as the particular needs of their students and communities;

“(3) choice programs consistent with State law and State constitutions which permit parents to select the school their children will attend;

“(4) systems such as merit schools which reward public schools with students who, as a group, demonstrate improved performance on curriculum related outcome measures accepted by the States or developed in the State assessment process;

“(5) activities that supplement early childhood education programs and increase the readiness of young children to learn;

“(6) site-based management which places maximum decisionmaking authority at the individual school level and that, at a minimum, involves teachers and other professional staff;

“(7) activities which maximize parental involvement in improving the education of their children;

“(8) coordination of health and social services with education;

“(9) planning to improve the use of technology in schools;

"(10) development or adoption, with substantial involvement of principals, teachers, and other administrators, of curricula, instructional materials, and assessment instruments which are consistent with State frameworks and local goals.

"(11) other school reform activities which will bring about comprehensive school improvement through systemic change in the local educational agency; and

"(b) INVOLVEMENT OF PRINCIPALS AND TEACHERS.—A local educational agency shall involve teachers and school principals in the development, operation, and evaluation of activities assisted by funds provided under this title.

**"SEC. 9010. AUTHORIZATION OF APPROPRIATIONS.**

"For the purpose of carrying out this title, there are authorized to be appropriated \$700,000,000 for the fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 2001.

**"SEC. 9011. ALLOTMENT OF FUNDS.**

"(a) TO STATES.—(1) From funds appropriated under section 9010, the Secretary shall allot to the Secretary of the Interior for each fiscal year an amount equal to ½ of 1 percent of the funds appropriated, not to exceed \$2,000,000 in any fiscal year, to benefit Indian students enrolled in schools funded by the Department of the Interior for Indian students. The provisions of subsection (b) of this section shall not apply to payments made under this paragraph.

"(2) From the remaining amount appropriated under section 9010, the Secretary shall make annual grants to States with approved applications based upon the formula established in part A of chapter 1 of title I of this Act.

"(b) MATCHING REQUIREMENT.—(1) The Federal share under this title may not exceed—

"(A) 100 percent of the total cost of a program for the first year for which a State receives funds under this title;

"(B) 85 percent of the total cost of a program for the second year for which a State receives funds under this title;

"(C) 60 percent of the total cost of a program for the third year for which a State receives funds under this title;

"(D) 45 percent of the total cost of a program for the fourth year for which a State receives funds under this title; and

"(E) 33 percent of the total cost of a program for the fifth and any succeeding year for which a State receives funds under this title.

"(2) The remaining cost of a program that receives assistance under this title shall be paid by the State from State funds and may include contributions from the private sector.

"(3) The share of payments from sources other than funds appropriated under this title may be in cash or in kind fairly evaluated.

"(4) The requirements of this subsection shall not apply to the Virgin Islands, the Commonwealth of Puerto Rico, or Pacific outlying areas.

"(c) MAINTENANCE OF EFFORT.—A State is entitled to receive its full allotment of funds under this section for any fiscal year if the Secretary finds that either the combined fiscal effort per student or the aggregate expenditures within the State with respect to the provision of free public education for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

"(d) ADMINISTRATIVE COSTS.—From its annual allotment, a State may reserve for administration (not to include the activities of the panel) an amount not to exceed 4 percent or \$250,000, whichever is greater.

"(e) ASSURANCES AND TERMS.—(1) The funds allotted to the Secretary of the Interior under subsection (a)(1) shall be made in a payment which shall be pursuant to an agreement between the Secretary and the Secretary of the Interior containing such assurances and terms as the Secretary determines will best achieve the purposes of this title. The agreement shall contain an assurance that—

"(A) a panel, as set forth in paragraph (2) of this subsection, shall be established;

"(B) a plan as required in section 9006 shall be developed by such panel; and

"(C) the provisions and activities required under sections 9006 and 9007 shall be carried out in the same time frames stipulated for the States in those sections, provided that the term 'local educational agencies' shall be interpreted to mean 'schools funded by the Bureau of Indian Affairs'.

"(2) To carry out the provisions of this title, and to develop the plan required under the agreement with the Secretary required in paragraph (1), the Secretary of the Interior shall establish a panel coordinated by the Assistant Secretary of the Interior for Indian Affairs to develop a system-wide reform plan. Such panel shall consist of—

"(A) the Assistant Secretary of the Interior for Indian Affairs (or designee);

"(B) the chairpersons and ranking minority members of the Committee on Education and Labor of the House of Representatives and the Select Committee on Indian Affairs of the Senate (or their designees);

"(C) the Director of the Office of the Indian Education Programs of the Bureau of Indian Affairs and such heads of divisions in such office as the Director shall designate;

"(D) a representative nominated by each of the following—

"(i) the organization representing the majority of teachers and professional personnel in Bureau-operated schools;

"(ii) the organization representing the majority of nonteaching personnel in Bureau-operated schools, if not the same organization as in clause (i);

"(iii) school administrators of Bureau-operated schools;

"(iv) education line officers located in Bureau area or agency offices serving elementary or secondary programs;

"(v) the organization representing the majority of Bureau-funded contract or grants schools not serving students on the Navajo reservation;

"(vi) the organization representing the majority of Bureau-funded contract grants schools serving students on the Navajo reservation;

"(vii) the organization representing the school boards required in Bureau-operated schools, not serving students on the Navajo reservation; and

"(viii) the organization representing the school boards required in Bureau-operated schools, serving students on the Navajo reservation.

"In addition, the members of the panel stipulated above shall designate for full membership 3 tribal chairmen (or designees) or representatives of 3 national organizations which primarily represent national Indian education concerns, or a combination of these 2 classes, provided that the National Advisory Council on Indian Education, established under the Indian Education Act of 1972, Public Law 92-318 (as amended), shall not be included as an organization for consideration under this provision.

**"SEC. 9012. AVAILABILITY OF INFORMATION AND TRAINING.**

"(a) INFORMATION AND TRAINING.—Proportionate to the number of children in a State or in a local educational agency who are enrolled in private elementary or secondary schools—

"(1) a State educational agency or local educational agency which uses funds under this title to develop goals, curricular frameworks, curricular materials, and assessments shall, upon request, make information related to such goals, frameworks, materials, and assessments available to private schools; and

"(2) a State educational agency or local educational agency which uses funds under this title for teacher and administrator training shall provide in its plan for the training of teachers and administrators of private schools located in the geographical area served by such agency.

"(b) WAIVER.—If, by reason of any provisions of law, a State or local educational agency is prohibited from providing for the equitable participation of teachers and administrators from private schools in training programs assisted with Federal funds provided under this title, or if the Secretary determines that a State or local educational agency has substantially failed or is unwilling to provide for such participation, the Secretary shall waive such requirements and shall arrange for the provision of training consistent with State goals and curricular frameworks for such teachers and administrators. Such waivers shall be subject to consultation, withholding, notice, and judicial review in accordance with section 1017 of this Act.

**"SEC. 9013. ANNUAL PROGRESS REPORTS: TECHNICAL ASSISTANCE.**

"(a) ANNUAL REPORT.—A State which receives funds under this title shall annually report to the Secretary—

"(1) regarding such State's progress in meeting its goals and plan;

"(2) describing proposed activities for the succeeding year; and

"(3) describing Federal regulations which may impede reform activities under this title as described in local plans approved by the State.

"(b) ADDITIONAL REPORT: TECHNICAL ASSISTANCE.—(1) Each State which receives funds under this title shall submit to the Secretary a biennial report on revenues available to, and expenditures by, each local educational agency in the State during the second preceding year. This report shall be developed in accordance with data definitions developed and published by the National Center for Education Statistics, and shall include at least the following information for each local educational agency within the State—

"(A) sources of revenues, identified by level of government and type in the case of taxes;

"(B) types of educational services offered;

"(C) pupil enrollment, average daily attendance, and average daily membership;

"(D) demographic information on student population;

"(E) type and responsibilities of each local educational agency, including a description of grade levels served; and

"(F) age and condition of facilities, including the percent of budget expended for maintenance and operation.

"(2) After submission of the first biennial report under paragraph (1), a State, using data and definitions developed by the National Center on Education Statistics, shall include in each subsequent biennial report for each local educational agency the following information:

"(A) tax assessment rates, policies, and practices;

"(B) the ability of such local educational agency to raise additional revenues; and

"(C) the costs of providing elementary and secondary education services.

"(3) The report required by this subsection shall also contain a detailed description of the State's school finance programs including each program's—



“(A) purpose;  
 “(B) eligibility criteria;  
 “(C) sources of revenue;  
 “(D) aggregate level of funding;  
 “(E) mechanism or formula for distributing funds among local educational agencies; and  
 “(F) restrictions on use of funds.

“(4) In developing data definitions under this subsection, the National Center for Education Statistics shall consult with individuals knowledgeable in the field of education finance.

“(5) Each State shall make its first report to the Secretary under this subsection not later than two years after the date that the Secretary initially allots funds under section 9011.

“(c) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance, either directly by grant or by contract, to the States to assist them in complying with the requirements of this section.

“(d) DATA REVIEW.—The National Center for Education Statistics shall review these data from reports compiled under this section to determine adherence to the definitions required in subsection (b) before it is submitted for policy analysis by the National Academy of Sciences under subsection (c) of section 9014. The National Center for Education Statistics shall forward to the Secretary and the National Academy of Sciences any discrepancies it determines between the data and the definitions and any corrections necessary to achieve consistency in the data, particularly as it relates to differences in data of the various States.

#### “SEC. 9014. EVALUATION AND DISSEMINATION.

“(a) EVALUATION.—The Secretary shall evaluate a representative sample of such State and local reform efforts over the course of the 10-year authorization in order to assess the effectiveness of such plans and activities in improving the education performance of all children. Such evaluations shall specifically examine the effects of such activities on disadvantaged students. The Secretary may reserve up to ¾ of one percent of the appropriations for this title to carry out this section provided that ½ of one percent of such appropriation shall be reserved for technical assistance under section 9013(c) and for subsection (c) of this section.

“(b) DISSEMINATION.—The Secretary shall, annually and upon request, disseminate to the States information on approaches and materials developed under this title or through related efforts.

“(c) CONTRACT FOR STATISTICAL AND POLICY ANALYSIS.—(1) The Secretary shall provide, through a contract with the National Academy of Sciences, for the preparation of a statistical and policy analysis of school finance and related data reported by the States under section 9013(b). Such analysis shall—

“(A) address disparities in educational expenditures and the reasons for such disparities among local educational agencies in each State and among States across the Nation; and

“(B) describe the degree to which the data reported by States under section 9013 was useful in its preparation.

“(2) In conducting such analysis, the National Academy of Sciences shall use statistical methods generally accepted by school finance specialists, and shall develop model State school finance programs based on generally accepted concepts of equalized school finance programs. Such models shall take into consideration a variety of factors, including—

“(A) State and local variations in student demographics and needs, and the costs of meeting such needs;

“(B) adequacy of resources;

“(C) ability and willingness of States and local educational agencies to raise additional revenues; and

“(D) costs of providing educational services.

“(3) Not later than three years following the date that the Secretary makes the first allotment of funds to States under section 9011, the National Academy of Sciences shall provide a report containing the information required by this subsection to the Chairpersons of the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate and to the Secretary. The Secretary shall expeditiously make such report available to States and, upon request, to the public.

“(4) The Secretary, upon request, shall provide, either directly or by contract, technical assistance to States which endeavor to implement a model school finance program developed by the National Academy of Sciences under this subsection.

#### “SEC. 9015. REPORT TO CONGRESS.

“The Secretary shall submit annually to the chairperson of the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report that contains—

“(1) a description of the progress that States receiving funds under this title have made in developing and implementing their plans;

“(2) information from State and local reports regarding requirements in Federal law or regulation which have been identified by States and local educational agencies as impeding the system-wide reform schools under this title; and

“(3) a list by State of average per pupil expenditures reflecting the most recent data reported under section 9013(b) and reviewed under section 9013(d).

#### “SEC. 9016. GENERAL PROVISIONS.

“Nothing in this title shall—

“(1) supersede State law; or

“(2) be construed to authorize any department, agency, officer, or employee of the Federal Government to—

“(A) exercise any control over the curriculum, program of instruction, administration or personnel of any educational institution or school system; or

“(B) prescribe the use of a particular examination or standards.

#### “SEC. 9017. DEFINITIONS.

“For purposes of this title:

“(1) The term “assessment system” means a system for measuring the abilities and academic achievement of students that is based upon a set of curricular frameworks and the expected outcomes embodied therein.

“(2) The term “curricular framework” means a description, in a particular subject area, of the knowledge and skills children should acquire at each grade level.

“(3) The term “Pacific outlying area” means American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau (until such time as the compact of Free Association is ratified).

#### “TITLE X—FLEXIBILITY TO

##### IMPROVE EDUCATIONAL ACHIEVEMENT

#### “SEC. 10001. PURPOSE.

“It is the purpose of this title to allow States, local educational agencies, and schools the flexibility to use and combine Federal, State, and local funds as part of systemic educational reform plans to improve the educational achievement of elementary and secondary school students by waiving certain statutory and regulatory requirements.

#### “SEC. 10002. PROGRAM AUTHORIZED.

“(a) EDUCATION PROGRAMS.—The Secretary of Education is authorized to waive certain statutory and regulatory requirements (except as provided in section 10004) for States

that can demonstrate that such waivers are part of a systemwide education reform plan and where such States and local educational agencies have implemented similar waiver plans.

“(b) ADDITIONAL PROGRAMS.—Waivers may also be requested for requirements regarding the following programs:

“(1) The Head Start Act.

“(2) The Runaway and Homeless Youth Act.

“(3) The Juvenile Justice and Delinquency Prevention Act.

“(4) The National School Lunch Act.

“(5) The School Breakfast Program.

“(6) The Child and Adult Care Food Program.

“(7) The Special School Milk Program.

“(8) The Summer Food Service Program.

“(9) The Community Services Block Grant Program.

“If such waivers are requested, the Secretary shall consult with the heads of other appropriate Federal agencies, if any, in determining whether to approve a project. The Secretary shall obtain the approval of such agency head as part of final approval of such project.

#### “SEC. 10003. APPLICATIONS.

“(a) GENERAL REQUIREMENTS.—A school, local educational agency, or State that desires to receive a waiver under this part shall—

“(1) indicate which requirements are to be waived and how waiving such requirements is an integral part of the systemic reform plan and will improve educational achievement among students;

“(2) identify the Federal programs to be included in the project;

“(3) indicate which State and local requirements shall be waived;

“(4) describe specific, measurable educational improvement goals and expected outcomes;

“(5) describe methods to be used to measure progress toward meeting such goals;

“(6) describe the student population at proposed schools, including—

“(A) current data regarding the achievement levels of students, particularly disadvantaged students;

“(B) the number of students who—

“(i) are of limited English proficiency, as defined in section 7003(a)(1) of the Bilingual Education Act;

“(ii) are children with disabilities, as defined in section 602(a)(1) of the Individuals with Disabilities Act;

“(iii) are currently or within the past 5 years were migratory;

“(iv) are educationally deprived for the purposes of chapter 1 of title I of the Elementary and Secondary Education Act of 1965; and

“(v) are eligible for a free or reduced-price lunch.

“(b) ADDITIONAL REQUIREMENTS.—The Secretary of Education may include additional requirements as may reasonably be required.

“(c) INDIVIDUAL SCHOOL APPLICATIONS.—A local school that desires to receive a waiver under this title shall submit an application to the local education agency, which shall submit such application to the State education agency.

“(d) LOCAL APPLICATIONS.—(1) A local educational agency that desires to receive a waiver under this title shall submit an application to the State educational agency.

“(2) A State educational agency that approves an application submitted by a local education agency shall forward such application to the Secretary of Education for consideration, unless such application requires waivers for programs other than education programs.

“(3) An application that requests a waiver for a program other than an education pro-



gram shall be submitted to the chief executive of the State and such executive shall forward such application to the Secretary.

"(e) STATE APPLICATIONS.—(1) A State educational agency that desires to receive a waiver under this title shall submit an application to the Secretary for consideration, unless such application requires waivers for other than education programs.

"(2) Such application shall be submitted to the chief executive of the State for review before forwarding such application to the Secretary.

**"SEC. 10004. WAIVER RESTRICTIONS.**

"Requirements which shall not be waived include—

"(1) requirements governing fund allocations;

"(2) requirements governing privacy of pupil records;

"(3) requirements under title VI of the Civil Rights Act of 1964;

"(4) provisions of section 504 of the Rehabilitation Act of 1973;

"(5) provisions of title II of the Americans with Disabilities Education Act;

"(6) requirements of title IX of the Education Amendments of 1972;

"(7) requirements governing pupil rights under the Individuals with Disabilities Act; and

"(8) requirements governing—

"(A) maintenance of effort;

"(B) comparability; or

"(C) the equitable participation of students attending private schools.

**"SEC. 10005. EVALUATIONS AND TECHNICAL ASSISTANCE.**

"(a) LOCAL EVALUATION.—Three years after a waiver is given to a local educational agency, the Secretary of Education shall evaluate the effectiveness of such waiver in achieving education reform and raising student achievement.

"(b) TECHNICAL ASSISTANCE.—If the Secretary determines that progress in achieving educational reform is not satisfactory, the Secretary may provide technical assistance to a local educational agency.

"(c) TERMINATION.—If the Secretary determines that the technical assistance does not improve educational reform efforts, the Secretary may terminate any waivers previously granted.

"(d) NATIONAL EVALUATION.—Five years after the flexibility program is implemented and at the end of every succeeding five-year period, the Secretary shall evaluate the effectiveness of the flexibility program nationwide. The findings of such evaluation shall be submitted to the Congress not later than 120 days after such evaluation is completed.

**"SEC. 10006. REPORTS.**

"(a) LOCAL REPORTS.—A local educational agency or school that participates in a flexibility project under this title shall submit an annual report to the State educational agency that—

"(1) describes project activities;

"(2) evaluates the progress in achieving the goals stated in the application; and

"(3) evaluates the effectiveness of coordinating services for students and their families.

"(b) STATE REPORTS.—A State that participates in a flexibility project under this title shall submit an annual report to the Secretary of Education which evaluates the progress in achieving goals stated in the application.

"(c) SECRETARY REPORTS.—The Secretary of Education shall submit to the Congress a biennial report regarding the national progress of flexibility programs and the effect of such programs on educational reform.

**"TITLE XI—NEW AMERICAN SCHOOLS**

**"SEC. 11001. STATEMENT OF FINDINGS.**

"The Congress finds that—

"(1) many American elementary and secondary schools—

"(A) are structured according to models that are outmoded and ineffective;

"(B) rely on notions about pedagogy, management, technology, staffing, and other resources that may be outdated or insufficient for the challenges of the next century; and

"(C) are unsuccessful at equipping the majority of students with the knowledge and skills needed to succeed as citizens and in the workplace;

"(2) new approaches to elementary and secondary education are needed, and without major reforms in elementary and secondary schools, the United States will lose its ability to compete fully and successfully in the world economy;

"(3) although educational change must take place school by school, experience shows that the schools, on their own, will not alter themselves radically;

"(4) there is an appropriate Federal role in providing seed money for the establishment of new types of schools in communities across the country; and

"(5) the Nation is embarking on a major effort to support the invention of radically better forms of schooling, and to establish a network of American communities whose citizens are dedicated to the improvement of education.

**"SEC. 11002. PURPOSE.**

"(a) NEW SCHOOLS.—The purpose of this title is to support the creation of new schools across the country that reflect the best thinking about teaching and learning, employ the highest-quality instructional materials and technologies, and are designed to meet the national education goals, as well as the particular needs of their students and communities.

"(b) SYSTEMIC REFORM.—In order to carry out this purpose, this title authorizes financial assistance for New American Schools in communities that have undertaken systemic education reform.

**"SEC. 11003. ALLOCATION OF FUNDS.**

"(a) RESERVATION FOR EVALUATION.—From the amount of funds appropriated to carry out this title for fiscal years 1993, 1994, and 1995, the Secretary shall reserve a total of up to \$3,000,000 for a national program evaluation.

"(b) ALLOCATION.—The Secretary shall allocate the remaining funds among the several States in proportion to their respective numbers of members of Congress, including Senators, Representatives, and Delegates. For the purpose of this subsection, the Commonwealth of the Northern Mariana Islands and Palau (until the effective date of the Compact of Free Association with the Government of Palau) shall be treated as if they each had one member of Congress.

**"SEC. 11004. STATE APPLICATIONS.**

"In order for a State to qualify for its allocation under section 11003(b), the Governor and chief State school officer, where permitted by State law and constitution, shall submit an application at such time as the Secretary may determine, including—

"(1) a description of the process the Governor and chief State school officer have used, in accordance with section 11005, to nominate local educational agencies in consortia with businesses and other community organizations to create New American Schools;

"(2) a list of the local educational agencies nominated by the Governor and chief State school officer, to receive a New American School grant;

"(3) copies of the plans, prepared by each local educational agency nominated by the Governor and chief State school officer for funding under this title, for establishing and operating a New American School or

Schools, including, as necessary, a description of the steps to be taken to obtain recognition or accreditation from the State;

"(4) an identification of non-Federal resources that will be available to establish and operate each New American School in the State; and

"(5) such other information as the Secretary may require.

**"SEC. 11005. SELECTION OF LOCAL EDUCATIONAL AGENCIES TO CREATE NEW AMERICAN SCHOOLS.**

"(a) NOMINATION.—The Governor of each State and the chief State school officer shall nominate for a New American School grant only local educational agencies within the State that have undertaken or are planning to undertake systemic education reform.

"(b) DELEGATION AND DISTRICT NOMINATIONS.—In carrying out subsection (a), each Governor and chief State school officer shall nominate—

"(1) at least as many grant recipients as there are members in the State's congressional delegation; and

"(2) at least one local educational agency in each congressional district in the State.

"(c) SELECTION CRITERIA.—Each Governor and chief State school officer shall nominate local educational agencies on the basis of criteria established by the Secretary, based on the advice of the panel of experts established under section 11007, including, at a minimum—

"(1) the level of commitment and activity displayed by the community to undertake systemic education reform and meet the national education goals;

"(2) the need for new and innovative educational programs in the schools of the community; and

"(3) the quality of the application submitted by the applicant to the Governor and chief State school officer.

"(d) MEETING REQUIREMENTS.—(1) The Secretary, in consultation with the panel of experts established under section 11007, shall approve some or all of the local educational agencies nominated by each Governor and chief State school officer to receive New American School grants based on the Secretary's determination that such approval would be fully consistent with the purpose and requirements of this title.

"(2) The Secretary shall ensure that—

"(A) to the extent consistent with paragraph (1), a New American School or Schools is created in each congressional district and that the number of such schools created in each State is at least equal to the number of members in the State's congressional delegation; and

"(B) communities with high concentrations of children from low-income families in each State receive an equitable share of awards under this title.

"(e) ADDITIONAL RECIPIENTS.—The Governor and chief State school officer may nominate other local educational agencies or recipients if—

"(1) the Secretary does not approve one or more of the State's nominees after such nominees have been provided with a notice of disapproval and an opportunity to receive technical assistance and resubmit their proposal;

"(2) an approved local educational agency withdraws from the program; or

"(3) the Secretary determines that the community or recipient is unable successfully to carry out its project or is not making adequate progress in carrying out such project.

**"SEC. 11006. AMOUNT OF AWARDS, OPERATION OF SCHOOLS, AND USES OF FUNDS.**

"(a) GRANT AWARDS.—(1) The Secretary shall make grants for New American Schools to local educational agencies selected by the Secretary under section 11005(d).

"(2) The Secretary, after consultation with the Governor and chief State school officer, shall determine the total amount of each award under this title, except that—

"(A) no such award shall exceed \$1,000,000; and

"(B) the Secretary shall consider the expected student enrollment in the New American School or Schools in setting such amount.

"(b) SCHOOL DESIGNS.—In establishing a New American School, the grantee is encouraged to adapt and implement one or more New American School designs developed by research and development teams funded by the New American Schools Development Corporation.

"(c) STARTUP COSTS.—(1) Funds made available under this title may be used only to meet the special startup costs associated with the creation and establishment of a New American School, including—

"(A) planning, curriculum development, and curriculum adaptation;

"(B) training of teachers, administrators, and other staff, as well as parents and members of the community who are involved with the school;

"(C) purchase of equipment and materials;

"(D) minor renovation and remodeling of facilities; and

"(E) obtaining the assistance of outside experts, including one or more of the teams described in subsection (b), to assist in adapting and implementing one or more of the designs developed by such teams to the needs of the individual community and school.

"(2) Such funds may not be used for—

"(A) construction;

"(B) the grantee's general administrative expenses; or

"(C) the establishment or support of a private school.

"(d) RECOGNITION OR ACCREDITATION.—Each New American School shall have obtained State recognition or accreditation, as necessary, and be fully operating by the start of the 1997-1998 school year.

#### "SEC. 11007. SECRETARY'S PANEL OF EXPERTS.

"Not later than 90 days after the date of the enactment of this Act, the Secretary shall convene an expert panel of educators, representatives of private business, and public representatives regarding the administration of the program authorized by this title, including—

"(1) the criteria to be used to nominate local education agencies for New American Schools; and

"(2) the approval of local educational agencies nominated by Governors and chief State school officers to establish, operate and receive grants for New American Schools.

#### "SEC. 11008. NATIONAL EVALUATION.

"(a) IMPACT.—The Secretary shall use the funds reserved under section 11003(a) to conduct a national evaluation of the impact of the New American Schools program on schools and communities, and on education generally.

"(b) REPORTS.—The Secretary shall submit such interim evaluation reports to the President and the Congress as may be appropriate, and shall submit a final report by September 30, 1999.

#### "SEC. 11009. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this title, there are authorized to be appropriated \$100,000,000 for fiscal year 1993, \$200,000,000 for fiscal year 1994, and \$300,000,000 for fiscal year 1995. Such sums shall remain available for obligation by the Secretary for 2 fiscal years beyond the fiscal year for which they are appropriated.

#### "SEC. 11010. DEFINITIONS.

"For the purpose of this title—

"(1) the term "community" means—

"(A) a unit of general purpose local government, such as a city, township, or village;

"(B) a geographically distinct area, such as a school district, school attendance area, ward, precinct, or neighborhood; or

"(C) an identifiable group of individuals, such as the members of a service organization, who generally reside in a particular geographic area;

"(2) the term "Governor" means the chief executive of a State;

"(3) the term "New American School" means a school that—

"(A) provides elementary or secondary education, as determined under State law;

"(B) reflects the best thinking about teaching and learning;

"(C) employs the highest-quality instructional materials and technologies;

"(D) is designed to meet the national education goals, as well as the particular needs of the students and communities it serves;

"(E) provides regular reports to the community on the achievement of its students; and

"(F) meets all State and local health and safety requirements; and

"(4) the term "State" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau (until the effective date of the Compact of Free Association with the Government of Palau).

### "TITLE XII—MENTOR PROGRAM

#### "SEC. 12001. PURPOSE.

"The purpose of this title is to improve academic performance and reduce the dropout rate of students through the use of mentors for at-risk students.

#### "SEC. 12002. ELIGIBLE ENTITIES.

"(a) IN GENERAL.—To be eligible to receive a grant under this title, a local educational agency or elementary or secondary school must submit an application to the Secretary of Education in such form and containing such information that the Secretary may reasonably require.

"(b) REQUIREMENTS.—Each application under subsection (a) shall include—

"(1) an assurance that 60 percent or more of the students are eligible to receive funds under chapter 1 of the Elementary and Secondary Education Act of 1965;

"(2) systematic education reform efforts are being made.

"(3) a provision for a mechanism for matching youth with mentors based on the needs of the child;

"(4) an assurance that no mentor would be assigned to more than one child to insure a one-on-one relationship;

"(5) an assurance that projects operated in secondary schools shall provide students with a variety of experiences and support, including—

"(A) an opportunity to spend time in a work environment and, when possible, participate in the work environment;

"(B) an opportunity to witness the job skills which will be required to students to obtain employment upon graduation;

"(C) assistance with homework assignments; and

"(D) exposure to experiences students might not otherwise encounter.

"(6) an assurance that projects operated in elementary schools will provide students with—

"(A) academic assistance;

"(B) exposure to new experiences and activities students might not encounter on their own; and

"(C) emotional support;

"(7) an assurance that projects shall be monitored to ensure a student is benefiting from a mentor relationship with the provi-

sion for a new mentor assignment if such relationship is not beneficial to the child; and

"(8) allowance for the use of older youth as mentors to younger children, particularly if a child has limited English proficiency and can be matched with an older child who can assist the younger child in improving literacy skills and assist with classwork assignments.

#### "SEC. 12003. AWARD OF GRANTS.

"(a) SELECTION CRITERIA.—The Secretary shall consider the following factors in awarding grants to local educational agencies:

"(1) The number of students who are eligible for funds under chapter 1 of the Elementary and Secondary Education Act of 1965.

"(2) The efforts made to develop and initiate systemic education reform.

"(3) The geographic distribution (urban and rural) of applicants.

"(b) GRANT PERIOD.—Grants awards under this title shall be awarded for a three-year period.

#### "SEC. 12004. REPORTS.

"(a) REPORTS TO SECRETARY.—Local educational agencies and schools that receive grants under this title shall submit an annual report to the Secretary of Education regarding the progress of students served under a mentor demonstration project, including:

"(1) the number and percentage of ethnic and minority students served;

"(2) the number and ages of all students served;

"(3) academic progress of all students participating.

"(4) the number of ethnic and minority individuals participating as mentors in the project; and

"(5) Community support for the project.

"(b) REPORT TO CONGRESS.—Not later than 120 days after completion of the 3-year grant cycle, the Secretary shall submit to the Congress a report regarding the success and effectiveness of the demonstration program.

#### "SEC. 12005. DEFINITIONS.

"For purposes of this title—

"(1) the term "at-risk student" means a student at risk for educational failure or dropping out of school; and

"(2) the term "mentor" means an individual who works with an at-risk students on a one-to-one basis, establishing a supportive relationship with such students, and providing them with academic assistance and exposure to new experiences which enhance their ability to succeed academically and become good citizens.

#### "SEC. 12006. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated \$10,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994 and 1995."

#### SEC. 3. LIMITATION.

None of the appropriations made pursuant to authorizations contained in the amendments made by this Act may be used to provide contraceptive devices or to provide abortion counseling.

It was decided in the { Yeas ..... 140  
negative ..... } Nays ..... 267

101.11

[Roll No. 384]

AYES—140

Allard	Bliley	Coble
Allen	Boehner	Coleman (MO)
Applegate	Broomfield	Combest
Archer	Bunning	Coughlin
Baker	Burton	Cox (CA)
Ballenger	Byron	Crane
Barrett	Callahan	Dannemeyer
Bateman	Camp	DeLay
Bentley	Campbell (CA)	Dickinson
Bereuter	Chandler	Doolittle
Bilirakis	Clinger	Dornan (CA)